

1 BILL NO. G-84-04-09

2 GENERAL ORDINANCE NO. G-

09-84

3 AN ORDINANCE amending Chapter 33 of the
4 Municipal Code of the City of Fort Wayne,
Indiana.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. That present Section 33-27 is deleted and the
9 following substituted: Section 33-27. Procedure.

10 The procedure of the Board shall be governed by the provisions
11 of I.C. 36-7-4-900-etseq. The Board shall adopt rules and regulations
12 concerning the filing of appeals, the giving of notices, the conduct of
13 its hearings and for all other of its operations and procedures as shall be
14 necessary to carry out its duties. It shall keep minutes of its operations
15 and procedures as shall be necessary to carry out its duties. It shall
16 keep minutes of its proceedings, records of its examinations and other
17 official actions, prepare written findings and record the vote on all
18 action taken. All minutes and records of the Board shall be public.

19 SECTION 2. That Section 33-28 is deleted and the following
20 substituted:

21 Powers of the Board of Zoning Appeals.

22 A. The Board of Zoning Appeals shall hear and
23 determine appeals from and review:

24 (1) any order, requirement, decision, or determination
25 made by an administrative official, hearing officer or staff member under
26 the zoning ordinance;

27 (2) any order, requirement, decision or determination
28 made by an administrative board or other body except a plan commission in
29 relation to the enforcement of the zoning ordinance; or

30 (3) any order, requirement, decision or determination
31 made by ~~an~~ administrative board or other body except a plan commission in
32 relation to the enforcement of an ordinance adopted under this chapter

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2 Page two

3 requiring the procurement of an improvement location or occupancy permit.
4

5 (4) upon appeal, the Board may reverse or affirm, or
6 may modify the order, requirement, decision or determination appealed from.
7 For this purpose the Board has all powers of the official, officer, board
8 of body from which the appeal is taken.

9 B. The Board of Zoning Appeals shall approve or deny all:

10 (1) special uses; (Sec. 33-13)

11 (2) contingent uses; (Sec. 33-12)

12 (3) variance of use; (I.C. 36-7-4-918.4)

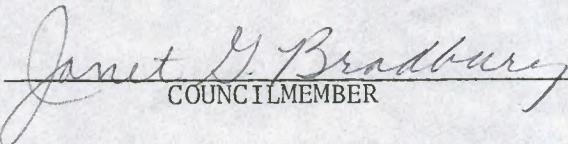
13 (4) variances from the development standards of the
14 zoning ordinance, (I.C. 36-7-4-918.5). In all such cases, the board may
15 impose reasonable conditions as part of its approval.

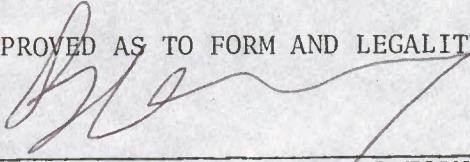
16 SECTION 3. Present Section 33-29 is deleted and the following
17 substituted:

18 Section 33-29. Zoning Hearing Officer and Alternate Procedure.

19 A. The Plan Commission may authorize the creation of
20 a hearing officer for the types of cases and in
21 in accordance with the procedures outlined in
22 I.C. 36-7-4-923 and I.C. 36-7-4-924.

23 SECTION 4. That this Ordinance shall be in full force and
24 effect from and after its passage, approval by the Mayor and due legal
25 publication thereof.

26 
27 COUNCILMEMBER

28 APPROVED AS TO FORM AND LEGALITY:
29 

30 BRUCE O. BOXBERGER, CITY ATTORNEY
31

32

Read the first time in full and on motion by Bradbury,
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on 10, the 19 day of May, o'clock A.M., E.S.

DATE: 4-10-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Stier, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 5-15-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 9-09-84
on the 15th day of May, 1984.

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Ray A. Elbost
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 16th day of May, 1984,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21st day of May,
1984, at the hour of 10 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on April 10, 1984 referred a proposed zoning ordinance amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-84-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

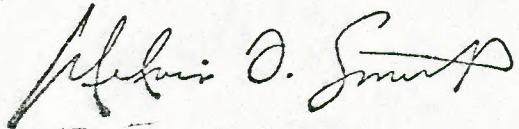
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 16, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 23, 1984.

Certified and signed this
24th day of April 1984.



Melvin O. Smith
Secretary

*Justification
Fusion*

*\$1500 house
by 150 property tax
\$1,125.00 in 15 yrs.*

*Compliance with
State law.*

BILL NO. G-84-04-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE No PASS.

JANET G. BRADBURY, CHAIRWOMAN

Janet G. Bradbury
Samuel J. Talarico

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

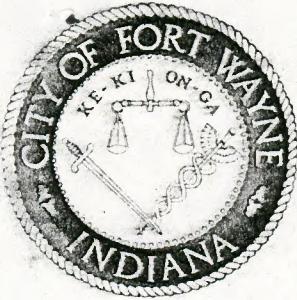
Charles B. Redd

MARK E. GIAQUINTA

Mark E. Giacinta

JAMES S. STIER

James S. Stier



The City of Fort Wayne
DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

24 April 1984

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to an ordinance amendment acted upon by the City Plan Commission at their meeting held April 23, 1984. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. G-84-04-09
2. Intended Use: This amendment will bring the City Zoning Ordinance into conformance with recent changes in the state law governing Board of Zoning Appeals procedures. The only substantive change involves the provision of a Hearing Officer for the BZA.
3. Plan Commission Recommendation: DO PASS

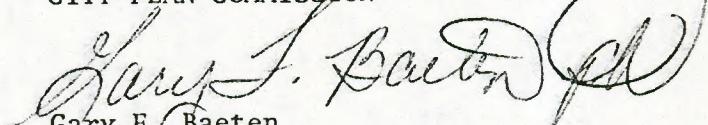
This ordinance received a DO PASS recommendation for the following reason:

REASON: This ordinance amendment will bring our zoning ordinance in line with recent changes in the Indiana planning laws.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

ORIGINAL

Admn. Appr.

DIGEST SHEET

ORIGINAL

G-84-04-09

TITLE OF ORDINANCE Board of Zoning Appeals Statutory Changes

DEPARTMENT REQUESTING ORDINANCE Land Use Management - Community Development & Planning

SYNOPSIS OF ORDINANCE This amendment will bring the City Zoning Ordinance into conformance with recent changes in the state law governing Board of Zoning Appeals procedures. The only substantive change involves the provision for a Hearing Officer.

The objective of having a Hearing Officer is to remove the insignificant cases from the Board's Agenda and allow them more time to concentrate on the more important matters.

EFFECT OF PASSAGE Our Zoning Ordinance will reflect recent changes in state law.

EFFECT OF NON-PASSAGE None - The state law requires the changes we outlined in the ordinance to be made - non-passage will create confusion between the ordinance and state law.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

(ASSIGN TO COMMITTEE (J.N.) _____)